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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,705	11/15/2000	Paul F. Struhsaker	WEST14-00004	5330
7590	08/12/2005			EXAMINER
William A Munck Esq Novakov Davis & Munck PC 900 Three Galleria Tower 13155 Noel Road Dallas, TX 75240			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER
			2684	
			DATE MAILED: 08/12/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,705	STRUHSAKER ET AL.	

  

<b>Examiner</b>	<b>Art Unit</b>	
Philip J Slobutka	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 November 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/30/01-9/3/02.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4,9,14,15,16,17,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uola (US 5,603,095) in view of Bharath et al (US 6,792,286).

Consider claims 1,9,22. Uola teaches an apparatus for providing access on a fixed wireless network: a subscriber access device comprising a wireless transceiver communicating with the fixed wireless network and a voice interface capable communicating with a telephony device within said subscriber premises (see especially fig 2); and a backup power supply capable of providing power to said subscriber access device in the event of a failure of main AC power in said subscriber premises (Uola see

especially col 4, line 50 – col 5, line 15). Uola lacks a teaching of the wireless local loop WLL device being mounted on an exterior portion of said subscriber premises. Bharath teaches a WLL being mounted on the exterior of the subscriber premises in communication with the subscriber equipment on the interior (Bharath see especially fig 3). It would have been obvious to one of ordinary skill in the art to modify Uola to mount the WLL network device on the exterior as taught by Bharath in order to allow for better reception at the subscriber antenna. Uola also lacks a teaching of a broadband data interface capable of communicating with a data processing device. Bharath also teaches providing a data interface for communication with a data processing device (Bharath see especially figs 3, fig 4A). It would have been obvious to one of ordinary skill in the art to modify Uola to have a data interface in order to provide a dedicated transmission path for the data signal.

As to claims 2,3,15,16, note that Uola is silent as to whether the backup power supply is inside or outside. Official Notice is taken that it would be obvious to one of ordinary skill in the art to position the backup power supply in the optimum position for the particular subscriber location.

As to claims 4,17, note that Uola teaches a power monitor for detecting low power or power failure and transmitting an alarm to the fixed wireless network (Uola see especially col 4, line 50 – col 5, line 15).

As to claim 14, note that the wireless arrangement of Uola in view of Bharath as modified above, indeed any wireless telephony arrangement could also be a wire line arrangement. It would have been obvious to one of ordinary skill in the art to modify

Uola in view of Bharath in order to reduce the risk of RF interference degrading transmission properties.

4. Claims 5-8,10,11,18,19,20,21,23,24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Uola in view of Bharath et al and in view of Macera et al (US 5,490,252).

Consider claims 5,6,18,19, Uola in view of Bharath lacks a teaching of the data processing interface being a removable module configured as T1/E1. Macera teaches a removable data interface module configured as T1/E1 (Macera see especially col 5, line 65 – col 6, line 21). It would have been obvious to one of ordinary skill in the art to configure the data interface as shown in Macera in order to allow for easy swap out when needed as well as making it compatible with T1/E1 lines.

As to claims 7,20, while Uola in view of Bharath and Macera teach T1/E1, Official Notice is taken that T3/E3 lines are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the interface to ensure it was compatible with subscribers having T3/E3 lines.

As to claims 8,21, note that Macera also teaches the module communicating via an LAN (Macera see especially col 5, line 65 – col 6, line 21). However the combination lacks a teaching of the LAN being wireless. Official Notice is taken that wireless LAN's are notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to modify Uola in view of Bharath and in view of Macera to communicate via wireless LAN in order to allow the data terminals to be placed anywhere without having to extensively wire the premises.

As to claims 10,23, note that Macera also teaches the module communicating via an Ethernet LAN (Macera see especially col 5, line 65 – col 6, line 21).

As to claims 11,24, while Uola in view of Bharath and Macera teach an Ethernet interface, it is silent as to the particular standard used by the Ethernet card. Official Notice it taken that the claimed standard is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the interface to ensure it was compatible with subscribers using a particular standard.

5. Claims 12,13, 25,26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Uola in view of Bharath et al and in view of Willer (US 6,836,546).

Consider claims 12,13,25,26, Uola in view of Bharath lacks a teaching of utilizing a shared voice & data twisted pair according to the HPNA protocol. Willer teaches utilizing shared voice and data twisted pair according to the HPNA protocol (Willer see especially col 3, lines 64 – col 4, line 25). It would have been obvious to one of ordinary skill in the art to modify Uola in view of Bharath to use the combined twisted pair arrangement as taught by Willer in order to reduce the amount of wiring required while still conforming to accepted protocols.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

7. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

**On July 15, 2005, the Central FAX Number will change to 571-273-8300.** This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. **After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".**

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Sobotka

(571) 272-7887

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PATENT EXAMINER/TELECOMM.

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